

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:05CV213  
(1:03CR7)

TED A. NEFF,

Petitioner,

Vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

**THIS MATTER** is before the Court on the Petitioner's motion for reconsideration and, in the alternative, for a certificate of appealability.

The motion to reconsider is denied. As to the Petitioner's request that a certificate of appealability issue, an appeal may not be taken to the court of appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. **28 U.S.C. § 2253(c)(1)(B)**. Such a certificate may not issue unless the applicant has made a substantial showing of the denial of a constitutional right. **28 U.S.C. § 2253(c)(2)**. The Petitioner has not made such a showing.

**IT IS, THEREFORE, ORDERED** that the Petitioner's motion for reconsideration and, in the alternative, for a certificate of appealability is hereby **DENIED**.

**Signed: July 26, 2005**

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

